

Report to Council

Subject: Proposed amendment to Procedural Standing Orders: Substitutes at Committees

Date: 15 July 2020

Author: Director of Organisational Development and Democratic Services

Purpose

To seek approval to amend the rules relating to substitutes on Committees set out in the Procedural Standing Orders contained in the Constitution.

Recommendations

THAT:

- 1) The amendments to the rules relating to substitutes on Committees set out in the Procedural Standing Orders as detailed in this report be agreed; and**
- 2) The Monitoring Officer is authorised to make the appropriate amendments to the Constitution.**

1 Background

1.1 In July 2014, Council approved an amendment to the Constitution to include the following Standing Order to permit substitutes at standing Committees and sub-Committees:

31. Substitutes on Committees

31.1 For each of the standing Committees and Sub-Committees for the Council there shall be appointed a pool of members not greater than one quarter of the total number of members allocated to each of the duly constituted political groups on that committee who will be permitted to attend that Committee or Sub-Committee as a substitute

in accordance with this Standing Order.

- 31.2 Where a member (the original member) of a standing Committee or Sub-Committee of the Council is unable to attend a meeting of that Committee or Sub-Committee the original member may request the member appointed as a substitute pursuant to Standing Order 31.1 (the substitute member) for that Committee or Sub-Committee for the political group to which the original member belongs to attend the Committee or Sub-Committee on behalf of the original member. The attendance of the substitute shall be notified in writing to the Chief Executive no later than 5 pm on the day before the meeting. The substitute member shall announce at the start of the meeting which member they are substituting for under the item "Apologies for Absence and Substitutions".
- 31.3 A substitute member shall not be permitted to attend meetings of the Planning Committee, Environment and Licensing Committee or Licensing Act Committee unless (s)he has previously received appropriate training to the satisfaction of the Monitoring Officer.
- 31.4 The substitute member attending the Committee or Sub-Committee shall declare his/her presence as substitute at the commencement of the business of the Committee or Sub-Committee. The substitute member shall then act for all purposes, for the duration of that meeting only, as though he were the original member of the Committee or Sub-Committee.
- 31.5 If the original member of the Committee or Sub-Committee is the Chair or Vice-Chair of that Committee or Sub-Committee the substitute member shall not be entitled to act in that office.
- 1.2 Members should note that these rules for substitution do not apply to the Cabinet because substitution cannot apply in Executive arrangements. Furthermore the Licensing Act Panel, the Planning Delegation Panel and Scrutiny Working Groups are not subject to these rules because these are not standing sub-committees which Council appoints to.

2 Proposal

- 2.1 In light of the current Covid-19 pandemic, it is proposed that Standing Order 31 is amended to enable greater flexibility for additional members to act as substitutes. Whilst the Council now has the power to hold meetings remotely it must be recognised that there is a possibility a number of Members may be unable to attend meetings as a result of illness or technical issues. Although meetings may be quorate and lawfully able to proceed with business, there may however be difficulties in maintaining political balance. Amending the Standing Order will give political groups a

larger pool of substitutes to call upon to attend meeting to mitigate this risk.

- 2.2 It is therefore proposed that Standing Order 31.1 is amended to read as follows:

31.1 For each of the standing Committees and Sub-Committees for the Council, where a member of a committee is listed as a member of a political group for the purposes of allocating committee seats, all other eligible members of that political group properly notified to the proper officer who are not appointed members of that Committee or Sub-Committee are appointed as substitute members.”

- 2.3 Members should be aware that by removing the limit on the number of the pool of substitutes available to each group and enabling greater flexibility there is the potential for an entire committee or sub-committee to be composed of substitute members. The risks in such a situation are the loss of continuity in decision making and a larger proportion of the members attending have less knowledge and understanding of the business being transacted. In addition, the greater the proportion of members who substitute the greater the risk that the committee looks less like the committee which was actually appointed by the Council. These risks can be mitigated by retaining the requirement in the Standing Order for the Chief Executive to be notified of a substitute in writing to no later than 5 pm on the day before the meeting and requiring all Members (including substitutes) on Planning Committee, Environment and Licensing Committee or Licensing Act Committee to undergo training before they can attend meetings. The situation can also be monitored and any specific concerns raised with the Group Business Managers.

- 2.4 The proposed change falls within Standing Order 29 which states:

“29. Variation and Revocation of the Constitution

Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders for Dealings with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers’ duties, responsibilities and titles, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council”.

Consequently the changes to the Standing Orders cannot be agreed straightaway and the matter must be adjourned to the next ordinary meeting of Council.

3 Alternative Options

- 3.1 Council could decide to retain the current arrangements relating to substitutes at Committees. A designated pool of substitutes has the benefit of certainty and consistency, however does not provide maximum flexibility.

4 Financial Implications

- 4.1 There are no financial implications arising from this report.

5 Legal Implications

- 5.1 The primary purpose of appointing substitute members is to ensure that a Committee can achieve a quorum of members in order to transact business. It also seeks to ensure the political proportionality of a Committee reflects the political proportionality of the Council as a whole.

- 5,2 Appointment to Committees, including substitute members is the responsibility of Council.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 None.

9 Background Papers

- 9.1 None.

Statutory Officer approval

**Approved by the Chief Financial
Officer**

Date: 30 June 2020

Drafted by the Monitoring Officer